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10/092,252

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Gang Wu

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EXAMINER

ROBERTS, BRIAN S

ART UNIT

PAPER NUMBER

2619

NOTIFICATION DATE

DELIVERY MODE

01/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/092,252

Applicant(s)

WU ET AL.

Examiner

Brian Roberts

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected. *JHC*
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- Claims 1 and 2 remain pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2007 has been entered.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 1

The phrase "a plurality of common core networks" in claim 1 renders the claim indefinite. There can not be a plurality of common core networks. There can only be one common core network. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written

description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The Examiner notes that Figure 4b and page 20 of the specification define a global common core network as comprising a plurality of regional common core networks. Therefore, the Examiner assumes the phrase should read "a plurality of regional common core networks". The Examiner notes, however, that there is no difference between a "global common core network comprising a plurality of regional common core networks" and "common core network".

Furthermore, claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural elements. Lines 10-17 describe functions of the common core network without claiming corresponding structures of the common core network to perform the described functions.

- In reference to claim 2

Claim 2 is rejected as being dependent on rejected independent claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Xu et al "DRiVE-ing to the Internet: Dynamic Radio for IP Services in Vehicular Environments".

- In reference to claim 1

In Figure 2, Xu et al. teaches a DRiVE network architecture that includes a DRiVE core network (*common core network*) inherently comprised of a plurality of regional DRiVE core networks wherein each regional DRiVE core network (*common core network*) comprising:

- A mobility management (*mobility manager*) that has a function of tracing a location of a DRiVE mobile terminal (*mobile host*) to determine an radio access system (*access network*) effective at a position of the location and function of carrying out local handoffs within the regional DRiVE core network (*common core network*) and handoffs for external networks based on mobile IP (sections 3.1 and 3.2)
- A traffic control (*resource manager*) that coordinates traffic distribution and is responsible for resource allocation and admission control to support the traffic distribution in the regional DRiVE core network (*common core network*) (sections 3.1 and 3.2)
- The regional DRiVE core network (*common core network*) supporting DRiVE mobile terminal (*mobile host*) roaming within a radio access system (*homogeneous radio communication network*) and between a plurality of different radio access systems (*heterogeneous radio communication*

*networks*) based on Internet Protocol (*network layer of OSI model*) and enables Internet access via a DRiVE border gateway (*gateway router*) and access to a plurality of base stations inherently located in the radio access systems simultaneously by communicating with the traffic control (*resource manager*) residing in the regional DRiVE core network (*common core network*) via a network selector of interfaces in the base stations (sections 3.1, 3.2, 3.3)

- Each regional DRiVE core networks is connected via the Internet to access other regional DRiVE core networks that collectively comprise the DRiVE core network (sections 3.1 and 3.2)

- In reference to claim 2

In Figure 2, Xu et al. further teaches:

- A Micro mobility management function supporting handover for any DRiVE mobile terminal (*mobile host*) roaming between base stations belonging to a radio access system (*homogeneous radio communication networks*) (sections 3.1 and 3.2)
- A Macro mobility management function utilizing Mobile IPv6, supporting between a plurality of regional DRiVE core networks (*common core network*), handover for any DRiVE mobile terminal (*mobile host*) roaming between base stations belonging to a radio access system (*homogeneous radio communication networks*) (sections 3.1 and 3.2)

### ***Response to Arguments***

Applicant's arguments filed 11/13/2007 have been fully considered but they are not persuasive.

- In the Remarks on pg. 8 of the Amendment, the Applicant contends that Xu et al. does not teach a plurality of common core networks or the function of a mobility manager and resource manger.
- The Examiner respectfully disagrees. There can not be a plurality of common core networks. There can only be one common core network. Furthermore, there is no difference between a "global common core network comprising a plurality of regional common core networks" and "common core network" because a "common core network" is a "global common core network" and inherently can be said to include a plurality of regional common core networks. In Figure 2, Xu et al. teaches a mobility management (*mobility manager*) and a traffic control (*resource manager*). (sections 3.1 and 3.2)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR  
01/04/2008

  
WING CHAN  
SUPERVISORY PATENT EXAMINER  
1/7/08